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RECEIVED

January 3, 2003

Sue Richardson
District Manager – BLM
1300 Airport Lane
North Bend, OR 97459

Dear Sue,

Re: Comments on the Final EIS – Natural Gas Pipeline

I understand that the Pipeline is not a BLM project, and that the BLM's ultimate role is expected to be the issuance of a right-of-way permit to allow the 60 mile long pipeline to cross approx. 3 miles of federal land.

I understand that options are available to the applicant that would allow the pipeline to bypass the federal land in the event the BLM chooses not to issue the right-of-way permit.

I understand that the BLM opted to have an EIS prepared for this project, thus committing itself to comply with the letter and spirit of applicable NEPA rules and regulations.

I understand that, even though the EIS was prepared by a contractor hired by the applicant, the BLM retains full responsibility for its quality and content.

I understand that the primary purpose of constructing the Natural Gas Pipeline is to foster economic development by enhancing, among other things, the ability to attract new industry.

What I do not understand, however, is the BLM's continuing refusal to adequately and appropriately discuss the Indirect and Cumulative impacts of the Pipeline project, and the BLM's apparent belief that compliance with NEPA can be demonstrated absent such a discussion.

The FEIS concentrates almost exclusively on the direct impacts of locating, constructing, and operating the gas pipeline. It makes no attempt whatsoever to describe or even acknowledge the possibility of indirect or cumulative impacts caused by the very thing the pipeline is supposed to foster, namely, industrial development. Further, it fails to

even mention or describe the environment that will be the physical setting affected by the new industrial activity.

In my comments regarding the Draft EIS (Letter, Subj: "Comments on Draft ES - Coos County Natural Gas Pipeline", dated March 1, 2002), I presented by belief that an EIS without a meaningful discussion of indirect and cumulative effects would not meet current CEQ guidelines.

The BLM chose not to substantively respond to my comments. The BLM based its decision not to respond on the following four assertions:

1. "It is false to assume that the only place that an industrial facility might be sited is somewhere on the Coos Bay estuary." (FEIS, page G-2-7)
2. "Also, the commenter assumes that certain types of industrial facilities might be enabled by the pipeline project." "There has been no evidence that those industries would actually have chosen to locate in Coos County if natural gas had been available." (Ibid) "Because no industrial commitments have yet occurred, it is not possible to quantify the potential environmental impacts of unknown future facilities and their potential locations." (FEIS, page 3)
3. "Various agencies have concluded that the pipeline project will not affect the Coos Bay estuary..." (Ibid). This is a true statement when considering only direct effects. It illustrates the reluctance to address indirect and cumulative effects that permeates the entire FEIS. This posture is reflected by Chapter 2 of the FEIS "Affected Environment" which fails to acknowledge even the existence of the Coos Bay Estuary.
4. "Future new facilities utilizing natural gas will be required to undergo their own environmental impacts analyses, within the required permitting process for new construction" (FEIS, page 3). "Any new industrial facility constructed in Coos County will have to be permitted under Federal, State, and local regulations" (FEIS, page G-2-7).

The BLM's logic, based on these assertions, is specious. A discussion on a point-by-point basis follows.

BLM Assertion #1 - It is false to assume that new industry might be sited on the Coos Bay estuary.

As correctly pointed out in the FEIS, a decision to locate a new industrial facility is based on many considerations other than the availability of natural gas. Such things as industrial zoning away from urban development, the tax advantages of a designated Enterprise Zone, highway access, railroad access, availability of a deep water port, proximity to an airport, and the availability of suitable land would all certainly be important.

All of these factors are currently in place at the North Bay Marine Industrial Park located on the north shore of the Coos Bay Estuary and managed by the International Port of

Coos Bay. The Port actively markets the site worldwide, and calls it "The Oregon Coast's Prime Industrial Site" (see Port of Coos Bay website).

Interestingly enough, the Port website mentions that "a natural gas pipeline is scheduled to be extended to the Coos Bay-North Bend area within 18 months". The FEIS speaks of "plans to extend the pipeline to the North Spit of Coos Bay within three to four years of completion of the proposed action" in order to "attract new manufacturing and commercial facilities to Coos County" (FEIS, page 3).

It certainly seems reasonable and logical to assume that a new industry, attracted in part by the availability of natural gas, would want to locate on "The Oregon Coast's Prime Industrial Site". Clearly, as part of an analytical framework for the EIS, the Coos Bay estuary must be included within the sphere impacted by the indirect effects of the pipeline.

BLM Assertion #2 - It is not possible to identify the types of industries that may be attracted by the availability of natural gas.

If a high degree of specificity is required, that statement is true. However, the type of analysis of indirect and cumulative effects called for in this case requires only a best estimate of the general types of industries likely to be attracted by the availability of natural gas.

The FEIS states: "For example, the introduction of natural gas may make it possible, or at minimum more practical, to build a metal fabricating plant or ammonia fertilizer factory in Coos County" (FEIS, page 69). The BLM website provides a link to the Pipeline Project questions and answers. In response to a question as to the types of companies that have not come to Coos County because natural gas was not available, a gypsum company, two steel mills, a secondary wood product industry, and a glass factory are listed. The implication is unmistakable – those industries would be here now if only we had natural gas.

Obviously, making natural gas available is not intended to attract software development companies, publishing houses, or destination resorts. It is obviously aimed at the heavy industrial and manufacturing sector.

It would be a meaningless effort to speculate as to the types and quantities of air and water emissions that might possibly come from heavy industries of the types mentioned. All that is needed is for the FEIS to recognize and acknowledgment that there is a reasonable probability that the environment of Coos County will be expected to absorb an increment of industrial emissions as one of the indirect effects of constructing the pipeline.

BLM Assertion #3 - The pipeline project will not effect the Coos Bay Estuary.

This is a mis-leading statement that would be inappropriate in this case even if the estuary were pristine with its full absorptive capacity available to receive the anticipated industrial effluents. In fact, the Coos Bay estuary is currently a compromised ecosystem, and the failure to acknowledge this reality is a serious omission.

It is very surprising that the BLM should take this position, given that the US Department of Interior itself previously published one of the most comprehensive discussions of the Coos Bay estuary. The report states:

"Coos Bay is truly an ecosystem and one modification or activity could start a chain reaction which could affect the whole, resulting in severe damage to certain natural resources." (USDI, "Natural Resources, Ecological Aspects, Uses and Guidelines for the Management of Coos Bay", Secretary of Interior Field Representative L. B. Day, June, 1971, page 128).

The report goes on to identify the need for an integrated and comprehensive plan for the protection and development of Coos Bay. It cautions that, without such an integrated and comprehensive plan, irreparable and lasting damage can occur.

Unless the FEIS acknowledges that the Coos Bay estuary is likely to be the setting for most of the indirect and cumulative effects of the pipeline, no meaningful discussion is possible.

BLM Assertion #4 - Future industrial installations will be required to undergo their own environmental impact analysis.

This is apparently an attempt by the BLM to justify dodging the requirement for a description of the indirect and cumulative effects of the pipeline by shifting responsibility to the State permitting processes. This seriously mis-leads the public by overlooking the fact that the State processes are designed to license levels of emissions from individual installations. They have no mechanism for handling the cumulative effects of multiple installations, nor for handling the incremental effects of additional pollutants given existing background levels and the current health of receptor ecosystems.

The problems with the State of Oregon's existing environmental management systems are captured quite succinctly in the following:

"The State's existing environmental data collection and management system must be improved to effectively measure ecological conditions, trends or risks. Measuring ecological conditions, trends, and risks is fundamentally different from the problems Oregon's environmental programs were initially established to address. (emphasis supplied) Resolving them will require new approaches... aimed at sustaining the health of naturally functioning landscapes

and the productive capacity of the environment" (Oregon, State of the Environment Report 2000, Statewide Summary, Page 3).

In any case, whatever may happen during future permitting processes does not relieve the BLM of its responsibility to adequately address the indirect and cumulative effects of the pipeline in it's own EIS.

IT IS MY BELIEF, BASED ON THE ABOVE DISCUSSION, THAT THE PIPELINE FEIS DOES NOT COMPLY WITH APPLICABLE NEPA REGULATIONS BECAUSE OF ITS FAILURE TO ADEQUATELY IDENTIFY AND DISCUSS INDIRECT AND CUMULATIVE EFFECTS.

REQUEST

I ask that the BLM prepare and circulate a revision to the FEIS which identifies and addresses the indirect and cumulative effects of the pipeline in a manner consistent with the spirit and letter of applicable NEPA regulations.

I fully recognize that an analysis speaking to specific industries, occupying specific locations, emitting specific quantities and types of pollutants impacting specific components of the ecosystem is not possible or appropriate for the EIS at hand. I am not suggesting a quantified, comprehensive display, nor even a detailed literature search. I believe that, in this particular case, the intent of NEPA could be met by a concise, succinct narrative that made the following points:

1. It is reasonable to assume that the availability of natural gas may attract heavy industry to Coos County,
2. There is a reasonable probability that the new industrial facilities will be located on or immediately near the Coos Bay estuary.
3. The Coos Bay estuarine ecosystem has been compromised in the past, to an unknown degree, by physical alterations and the input of toxic pollutants. Known pollutants continue to reach the estuary under the terms of currently existing permits.
4. Great care should be taken to insure that the waste streams of any new planned industrial development are not of a quality or quantity so as to push the estuarine ecosystem beyond the point where irreparable and catastrophic effects are triggered.

Further, I ask that the Record of Decision, if and when issued, contain a section on mitigation. This section should suggest that the Applicant, prior to the completion of the pipeline, commission a study to determine the "state of the bay" in terms of how badly the estuary has been compromised by past actions. The study should also address those

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types of pollutants most likely to trigger irreparable and lasting effects, with an eye towards screening the types of industrial developments invited in.

I am not suggesting that this mitigation be a condition of granting the right-of-way permit, and I realize the BLM has no authority to monitor the implementation of mitigative measures in this instance. However I believe the BLM has a duty to at least flag the potential value of mitigation of this type.

* * *

When the gas pipeline proposal was shown to involve federal lands, the BLM considered the alternative means of achieving NEPA compliance. A FONSI was briefly considered, an Environmental Assessment was begun, and ultimately the decision to prepare a formal Environmental Impact Statement was made. At each step up the ladder, the public expects, and rightly so, a more comprehensive and complete discussion of the impacts including indirect and cumulative impacts. The virtually non-existent discussion of indirect and cumulative impacts in the FEIS badly shortchanges the citizens of Coos County, does great harm to the credibility of the BLM, and falls far short of the goals envisioned in the NEPA regulations.

My hope is that you will take the necessary steps to correct the problems discussed above at this time.

Ren Sully